

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|--------------------------------------|---|-----------------------|
| James B. Skelton, |) | |
| |) | C/A No. 3:10-1888-MBS |
| Plaintiff, |) | |
| |) | |
| vs. |) | O R D E R |
| |) | |
| Daniel R. Eckstrom, Lexington County |) | |
| Probate Court, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Plaintiff James B. Skelton, proceeding pro se and inform a pauperis, filed a complaint on July 20, 2010 against Defendant Probate Judge Daniel R. Eckstrom. Plaintiff alleges that his civil and constitutional rights have been violated by a court system “that automatically puts you as incompetent on paper without hearing the burden of proof.” Plaintiff alleges Defendant “violates state and federal laws by holding a competent person under probate, avoiding granting me a petition for review and has committed professional malpractice and a mischarage [*sic*] of justice.” Complaint, 3, ECF No. 1.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to various precedents allowing initial screening of pro se filings. On July 29, 2010, the Magistrate Judge issued a Report and Recommendation in which he determined that (1) Defendant Eckstrom is entitled to judicial immunity; and (2) the court is precluded by the Rooker-Feldman doctrine from reviewing findings and rulings made by state courts. Accordingly, the Magistrate Judge recommended that the court summarily dismiss the case without prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Report and Recommendation. Plaintiff’s complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

September 16, 2010.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.